APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,433	08/07/2003	William J. Aldrich	MWS-059RCE2	2610

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LAHIVE & COCKFIELD, LLP/THE MATHWORKS
FLOOR 30, SUITE 3000
One Post Office Square
Boston, MA 02109-2127

EXAMINER
THERIAULT, STEVEN B

ART UNIT	PAPER NUMBER
2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/637,433	ALDRICH, WILLIAM J.
Office Action Summary	Examiner	Art Unit	
	STEVEN B. THERIAULT	2179	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>26 February 2009</u>.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-5 and 7-23</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-5 and 7-23</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the following communications: amendment and RCE filed
02/29/2009.

2.   Claims 1–5, 7-23 are pending in the case. Claims 1, 12, and 23 are the independent claims.

Claims 6 and 24 has been cancelled.

Claim Rejections - 35 USC § 101

3.   In light of applicant's amendment the previous rejection is now considered moot and the claim

now positively recites a feature that ties the method to a computer.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR

1.17(e), was filed in this application after final rejection. Since this application is eligible for

continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been

timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR

1.114. Applicant's submission filed on 02/29/2009 has been entered.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for

the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

5.   **Claims 1-5, 7- 19, 21- 23 are rejected under 35 U.S.C. 102(b) as anticipated by Matlab report**

generator" Mathworks Inc et al. (hereinafter Matlab), 2001

In regard to **Independent claim 1,** Matlab teaches a method comprising:

- Performing an analysis or synthesis operation on a graphical model representation that includes at least one graphical object (See Page 2, create conditional report and pages 5-8).Matlab shows generating a report during a simulation.

- Producing a report from the analysis or synthesis operation (See Page 2, create conditional report)

- Associating one or more tags with a graphical object of the graphical model representation (See page 25, report generator tags, every figure in the report has a tag and page 38, user has added a component to the setup file and the tag is associated with an object in the model)

- Associating the one or more tags associated with the graphical object with one or more portions of the produced report corresponding to the graphical object (See page 28-29, tags are added

- <u>Receiving a selection of the graphical object in the graphical model representation</u> displaying <u>the one or more portions</u> of the <u>produced</u> report corresponding to the selected graphical object in response to the selection (See page 1, Matlab shows the output can be in HTML and page 5, matlab allows the user to input a command during the report generation process that will allow display the portions of the report that are effected by the command. Further, the setup file editor (See page 20, allows the user to manipulate elements of the report that can effect the one or more portions of the report when selected).

- Displaying, using the computer, elements of the report corresponding to the selected graphical object in response to the selection on a display device (See page 14).

With respect to **dependent claim 2,** Matlab teaches the method in which the report is a document structured with portions corresponding to different elements of the graphical model representation (See page 1).

With respect to **dependent claim 3,** Matlab teaches the method in which the document is a

structural coverage report (Page 4).

With respect to **dependent claims 4, 11, 22,** Matlab teaches the method in which the document is a code generation report incorporating syntax highlighted code (Page 4, middle).

With respect to **dependent claim 5,** Matlab teaches the method in which the document is a profiling report that documents relative execution times of each of the elements (page 46, execution order and signal loop, system loop)

With respect to **dependent claim 7,** Matlab teaches the method further comprising loading an element in the report in response to activating a graphical object on the graphical model representation and activating with a mouse (page 14, report generation and viewing the report page 36-38).

With respect to **dependent claims 8-9, 18-19,** Matlab teaches the method where the tags are markup language tags (See Page 25, 28 and 29)

With respect to **dependent claim 10,** Matlab teaches the method in which the report is a model coverage report (See page 1-4, 19 and 20).

In regard to **Claims 12-17, and 21,** claims 12, 14-17, and 21 reflect the system comprising computer readable instructions for performing the steps of method claims 1, 2-5, and 10 respectively, and are rejected along the same rationale.

In regard to **Independent claim 23,** claim 23, reflect substantially similar subject matter as claim 1, therefore is rejected along the same rationale.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966),

that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 20 is rejected under 35 U.S.C. 102(b) as anticipated by Matlab report generator"

Mathworks Inc et al. (hereinafter Matlab), in view of Shaughnessy et al. (hereinafter

Shaughnessy) U.S. Patent No. 7015911 issued March 31, 2003.

With respect to **dependent claim 20** as indicated in the above discussion Matlab teaches every

limitation of claim 1.

Matlab teaches a report generator and teaches the report output formats can be in multiple

formats (See page 15). Matlab does not specifically recite that the report can be generated using

PDF links. However, this limitation would have been obvious to one of ordinary skill in the art at

the time of the invention, in view of Shaughnessy, because Shaughnessy specifically teaches

generating a report in PDF format, which would have PDF embedded links (see column 2, lines

45-67). Shaughnessy suggests the combination by stating the visual representation is displayed

in the target format based on the data structure format. The reports can be in PDF where the

structure indicates the output type by having a specific PDF tag (See column 3, 15-20 and

column 2, lines 45-67).

A reference to specific paragraphs, columns, pages, or figures in a cited prior art reference is not limited to preferred embodiments or any specific examples. It is well settled that a prior art reference, in its entirety, must be considered for all that it expressly teaches and fairly suggests to one having ordinary skill in the art. Stated differently, a prior art disclosure reading on a limitation of Applicant's claim cannot be ignored on the ground that other embodiments disclosed were instead cited. Therefore, the Examiner's citation to a specific portion of a single prior art reference is not intended to exclusively dictate, but rather, to demonstrate an exemplary disclosure commensurate with the specific limitations being addressed. In re *Heck*, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)). In re: *Upsher-Smith Labs. v. Pamlab, LLC*, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005); *In re Fritch*, 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1782 (Fed. Cir. 1992); *Merck & Co. v. Biocraft Labs., Inc.*, 874 F.2d 804, 807, 10 USPQ2d 1843, 1846 (Fed. Cir. 1989); *In re Fracalossi*, 681 F.2d 792,794 n.1,215 USPQ 569, 570 n.1 (CCPA 1982); *In re Lamberti*, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976); *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

Response to Arguments

Applicant's arguments with respect to claims 1-5, 7-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6160549 to Touma, which discloses a process of generating a report from a declarative model of graphical objects and running simulation on the configured model.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M, W, F 10:00AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

/Steven B Theriault/
Primary Examiner
Art Unit 2179